09970961 .1020Q1

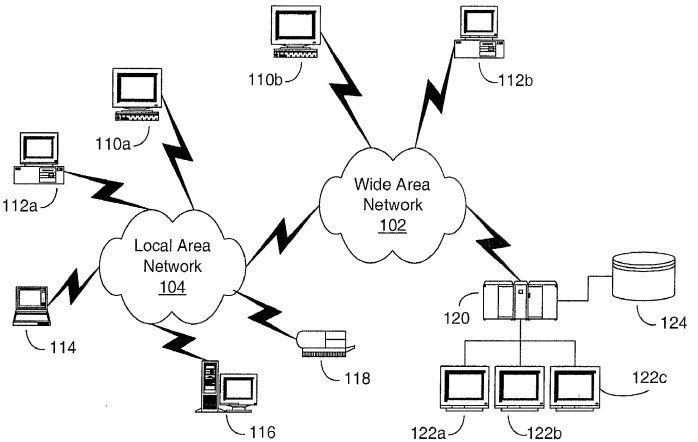


FIG. 1

10020011-1010701

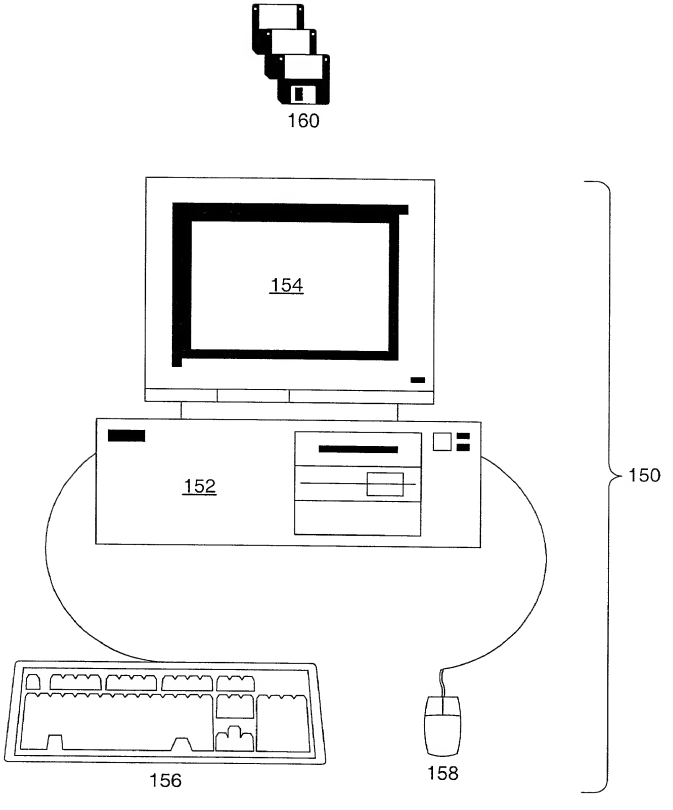


FIG. 2

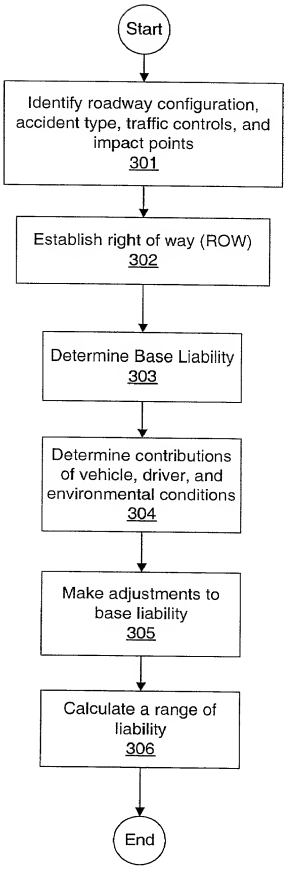

Start
Identify roadway configuration, accident type, traffic controls, and impact points
301
Establish right of way (ROW)
302
Determine Base Liability
303
Determine contributions of vehicle, driver, and environmental conditions
304
Make adjustments to base liability
305
Calculate a range of liability
306
End

FIG. 3

US 7,107,152 B2

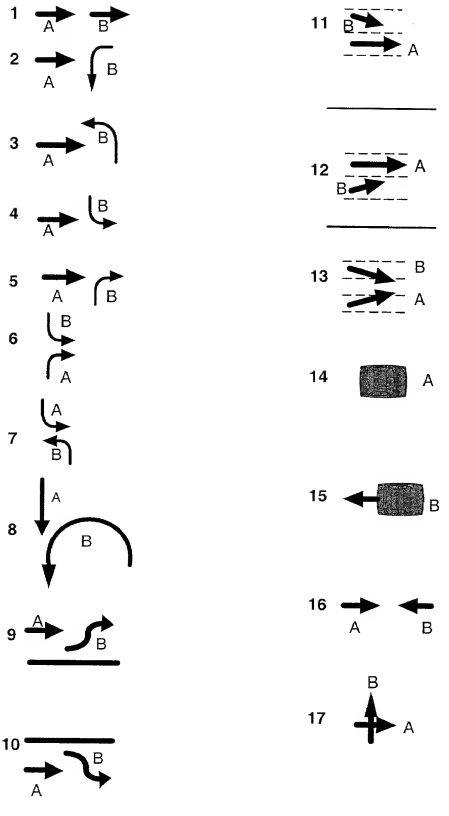


FIG. 4

T02001-TST07690

FIG. 5

Roadway Configuration

Accident Type	A	B	C	D	E	F	G	H	I	FG
1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2	N	Y	Y	N	N	N	N	Y	N	N
3	N	Y	Y	N	N	N	N	N	Y	N
4	N	Y	Y	Y	N	N	N	Y	N	N
5	N	Y	Y	N	N	N	N	N	N	N
6	N	Y	Y	N	N	Y	N	Y	N	Y
7	N	Y	N	N	N	Y	N	Y	N	Y
8	Y	Y	Y	N	Y	N	N	Y	N	N
9	Y	Y	Y	Y	Y	N	N	N	Y	N
10	Y	Y	Y	Y	Y	N	N	N	Y	N
11	Y	Y	Y	N	Y	N	N	Y	Y	N
12	Y	Y	Y	Y	Y	N	N	Y	Y	N
13	Y	Y	Y	Y	Y	N	N	Y	Y	N
14	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
15	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
16	Y	Y	Y	N	Y	Y	N	Y	N	Y
17	N	Y	N	N	N	Y	Y	N	N	Y

FIG. 6

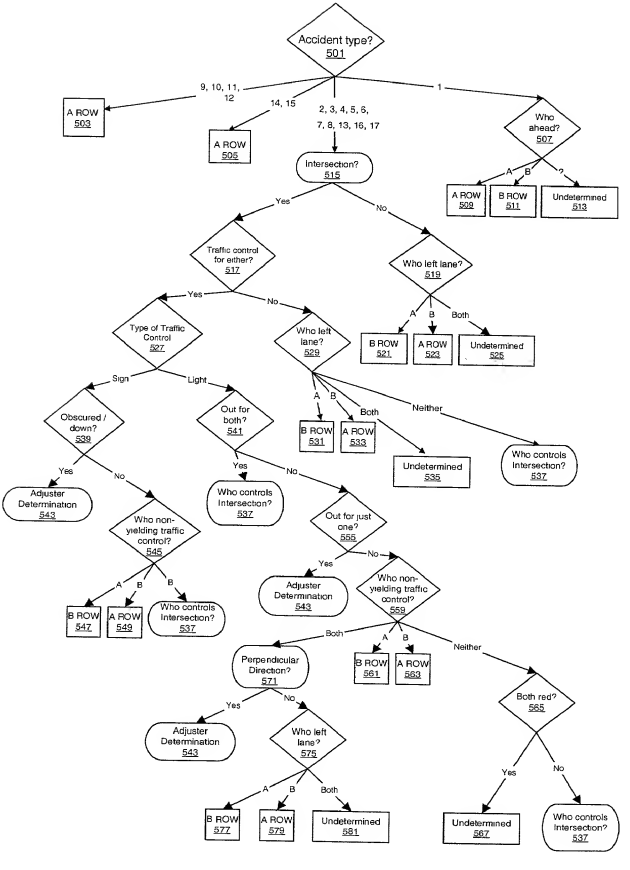

Accident type? 501
9, 10, 11, 12
1
14, 15
2, 3, 4, 5, 6, 7, 8, 13, 16, 17
A ROW 503
A ROW 505
Who ahead? 507
A
B
?
A ROW 509
B ROW 511
Undetermined 513
Intersection? 515
Yes
No
Traffic control for either? 517
Who left lane? 519
A
B
Both
B ROW 521
A ROW 523
Undetermined 525
Yes
No
Type of Traffic Control 527
Who left lane? 528
Sign
Light
A
B
Both
Neither
B ROW 531
A ROW 533
Undetermined 535
Who controls Intersection? 537
Obscured / down? 539
Out for both? 541
Yes
No
Adjuster Determination 543
Who controls Intersection? 537
Who non-yielding traffic control? 545
Out for just one? 555
A
B
B
B ROW 547
A ROW 549
Who controls Intersection? 537
Yes
No
Adjuster Determination 543
Who non-yielding traffic control? 559
Both
A
B
Neither
Perpendicular Direction? 571
B ROW 561
A ROW 563
Both red? 565
Yes
No
Adjuster Determination 543
Who left lane? 575
Undetermined 567
Who controls Intersection? 537
A
B
Both
B ROW 577
A ROW 579
Undetermined 581

FIG. 7a

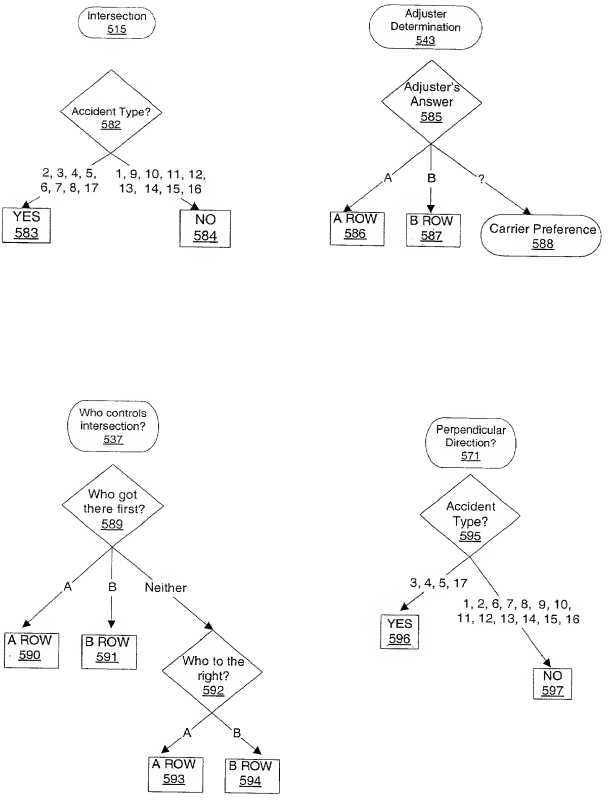

Intersection
515
Accident Type?
582
2, 3, 4, 5, 6, 7, 8, 17
1, 9, 10, 11, 12, 13, 14, 15, 16
YES
583
NO
584
Adjuster Determination
543
Adjuster's Answer
585
A
B
?
A ROW
586
B ROW
587
Carrier Preference
588
Who controls intersection?
537
Who got there first?
589
A
B
Neither
A ROW
590
B ROW
591
Who to the right?
592
A
B
A ROW
593
B ROW
594
Perpendicular Direction?
571
Accident Type?
595
3, 4, 5, 17
1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
YES
596
NO
597

FIG. 7b

WO2007/134660 PCT/EP2007/054660

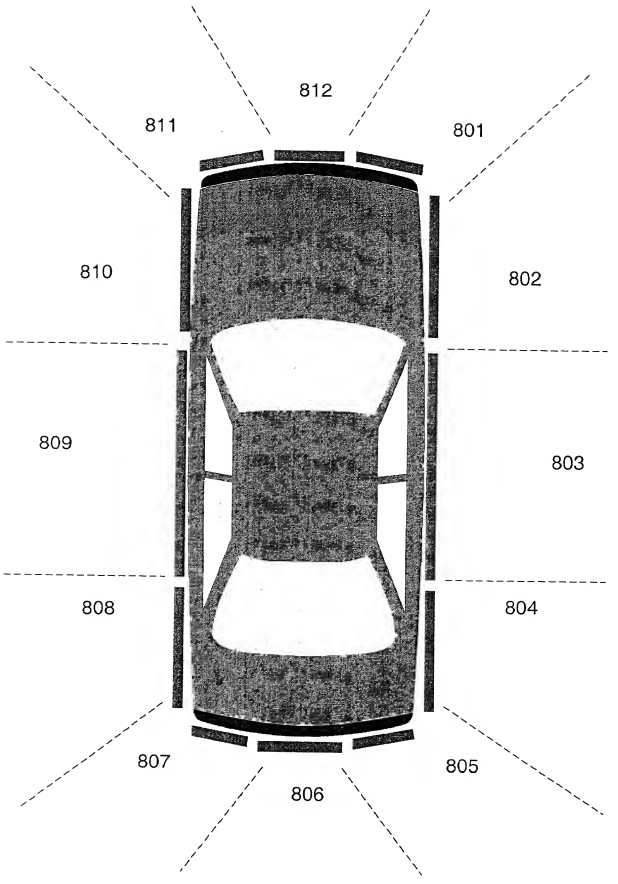


FIG. 8a

Accident Type - Roadway Configuration	Impact Groups			
1H-A behind B	A811B805, A811B806, A811B807, A812B805, A812B806, A812B807, A801B805, A801B806, A801B807, A802B807, A803B807, A804 B807, A808B805, A809B805, A810B805			
1I - A behind B	A811B805, A811B806, A811B807, A812B805, A812B806, A812B807, A801B805, A801B806, A801B807, A802B807, A803B807, A804 B807, A808B805, A809B805, A810B805			
2B - 4-way intersect w/A from top turning left and B from bottom going straight	A811B809, A811B810, A810B808	A811B811, A812B811, A801B811, A801B812, A802B812	A802B801, A803B812, A803B801	A804B812, A804B801
2C- T intersect to right w/A turning left from top and B from bottom going straight	A811B809, A811B810, A810B808	A811B811, A812B811, A801B811, A801B812, A802B812	A802B801, A803B812, A803B801	A804B812, A804B801
2H -center turn lane w/A turning left and B going straight	A811B809, A811B810, A810B808	A811B811, A812B811, A801B811, A801B812, A802B812	A802B801, A803B812, A803B801	A804B812, A804B801
3B-4-way intersect w/A going straight from left and B going straight from bottom	A811B808, A812B808, A801B808, A811B809, A812B809	A811B810, A812B810, A801B809, A801B810	A802B811, A802B812, A802B801, A803B811	A803B812, A803B801, A804B811, A804B812, A804B801

FIG. 8b

Insured

Factor	Penalty (%)	Situational Weight	% weight	applies	adjusted penalty (%)
1. Alcohol/Drugs	15	High	150	YES	22.5
2. Headlights Off	5	***Normal***	100	YES	5
3. Inattention	10	Low	50	NO	0
...					
19. Faulty equipment	10	N/A	0	YES	0

Claimant

Factor	Penalty (%)	Situational Weight	% weight	applies	adjusted penalty (%)
1. Alcohol/Drugs	15	High	150	NO	0
2. Headlights Off	5	***High***	150	YES	7.5
3. Inattention	10	Low	50	NO	0
...					
10. Speed	15	Low	50	YES	7.5

FIG. 9a

	First Party	Second Party
Base Liability	50%	50%
Factor 1	+10%	-10%
Factor 2	+15%	-15%
Factor 3	-5%	+5%
Total Liability	70%	30%

Fig. 9b

	First Party	Second Party
Base Liability	50%	50%
Factor 1	+10%	-10%
Factor 2	+15%	-15%
Factor 3	-5%	+5%
Sum of Effects	+20%	-20%
Total Liability	60%	40%

Fig. 9c

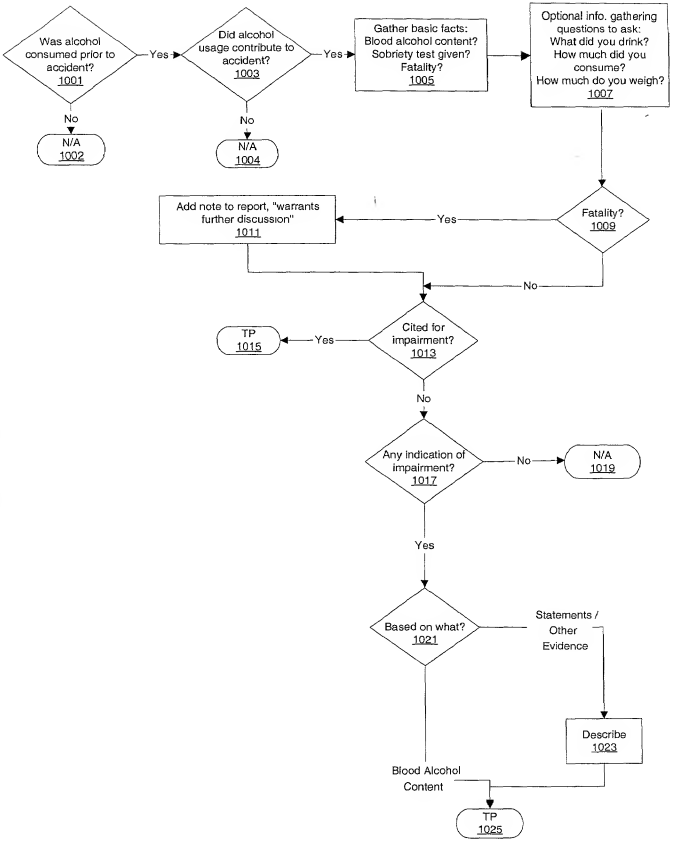

Was alcohol consumed prior to accident? 1001
Yes
Did alcohol usage contribute to accident? 1003
Yes
Gather basic facts: Blood alcohol content? Sobriety test given? Fatality? 1005
Optional info. gathering questions to ask: What did you drink? How much did you consume? How much do you weigh? 1007
No
N/A 1002
No
N/A 1004
Fatality? 1009
Yes
Add note to report, "warrants further discussion" 1011
No
Cited for impairment? 1013
Yes
TP 1015
No
Any indication of impairment? 1017
No
N/A 1019
Yes
Based on what? 1021
Statements / Other Evidence
Describe 1023
Blood Alcohol Content
TP 1025

FIG. 10a

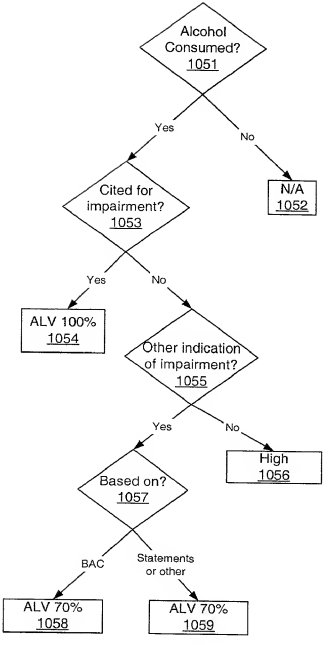

Alcohol Consumed? 1051
Yes
No
N/A 1052
Cited for impairment? 1053
Yes
No
ALV 100% 1054
Other indication of impairment? 1055
Yes
No
High 1056
Based on? 1057
BAC
Statements or other
ALV 70% 1058
ALV 70% 1059

FIG. 10b

US20070197660

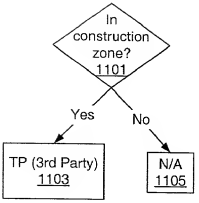


FIG. 11

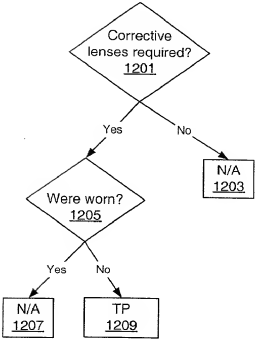


FIG. 12

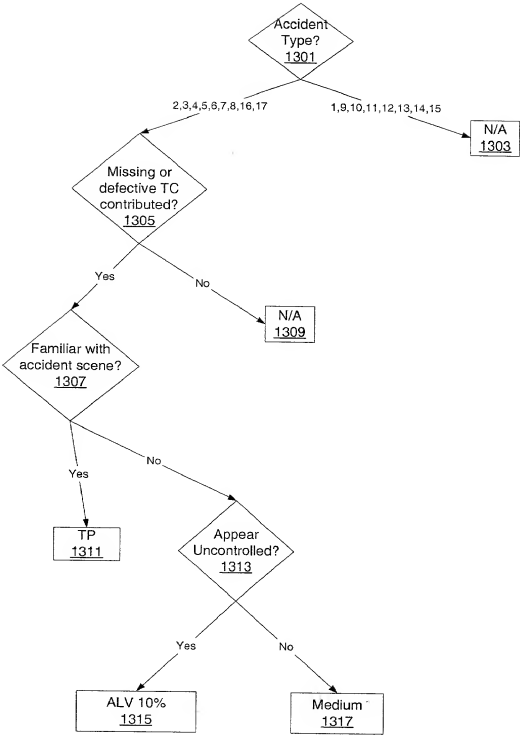

Accident Type? 1301
2,3,4,5,6,7,8,16,17
1,9,10,11,12,13,14,15
N/A 1303
Missing or defective TC contributed? 1305
Yes
No
N/A 1309
Familiar with accident scene? 1307
Yes
No
TP 1311
Appear Uncontrolled? 1313
Yes
No
ALV 10% 1315
Medium 1317

FIG. 13

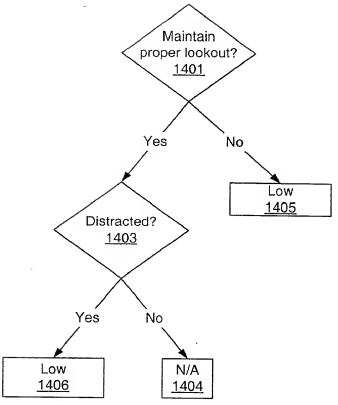

Maintain proper lookout? 1401
Yes
No
Low 1405
Distracted? 1403
Yes
No
Low 1406
N/A 1404

FIG. 14

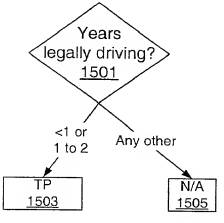

Years legally driving? 1501
<1 or 1 to 2
Any other
TP 1503
N/A 1505

FIG. 15

US20071017660

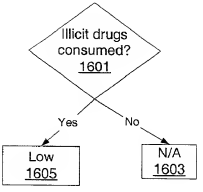


FIG. 16

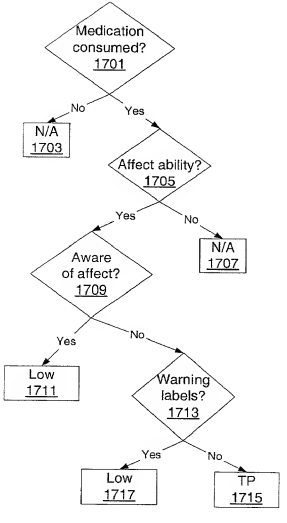


FIG. 17

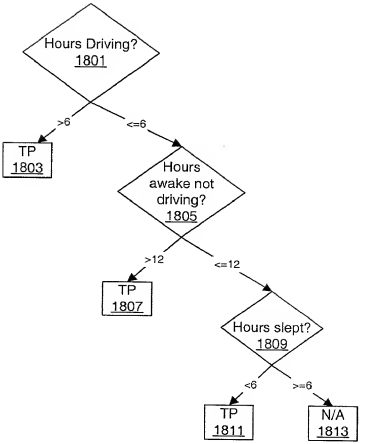

Hours Driving?
1801
>6
<=6
TP
1803
Hours
awake not
driving?
1805
>12
<=12
TP
1807
Hours slept?
1809
<6
>=6
TP
1811
N/A
1813

FIG. 18

EDGAR - 5110460

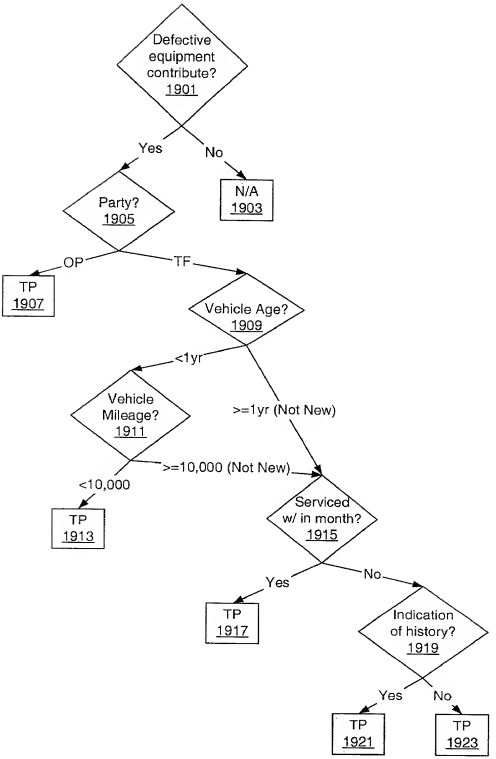


FIG. 19

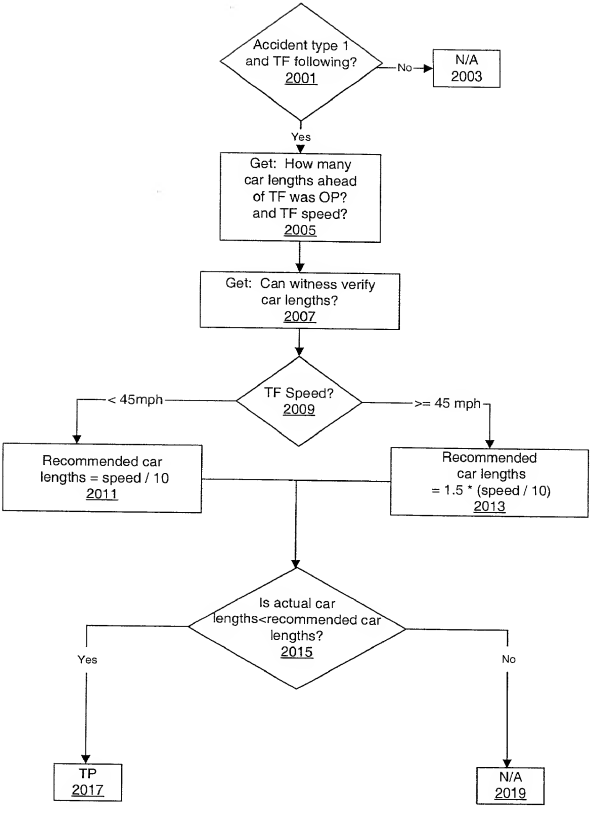

Accident type 1 and TF following? 2001
No
N/A 2003
Yes
Get: How many car lengths ahead of TF was OP? and TF speed? 2005
Get: Can witness verify car lengths? 2007
TF Speed? 2009
< 45mph
>= 45 mph
Recommended car lengths = speed / 10 2011
Recommended car lengths = 1.5 * (speed / 10) 2013
Is actual car lengths<recommended car lengths? 2015
Yes
No
TP 2017
N/A 2019

FIG. 20a

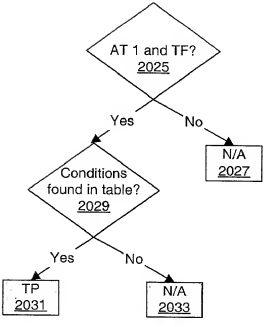


FIG. 20b

Speed	Surface	Condition	Number of car lengths
<= 45	Not gravel	Dry	< 10% speed
		Wet	< 20% speed
		Muddy	< 20% speed
		Plowed snow	< 30% speed
		Snow Ice Patch	< 30% speed
		Snow Ice	< 60% speed
	Gravel	Any	< 20% speed
> 45	Not gravel	Dry	< 15% speed
		Wet	< 30% speed
		Muddy	< 30% speed
		Plowed snow	< 45% speed
		Snow Ice Patch	< 45% speed
		Snow Ice	< 90% speed
	Gravel	Any	< 30% speed

2050
2052
2054
2056
2058

FIG. 20c

TOYOTA-T10766

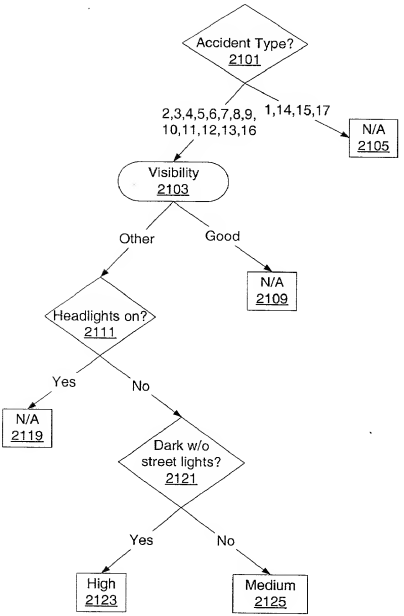


FIG. 21

TP2001-1970/SD

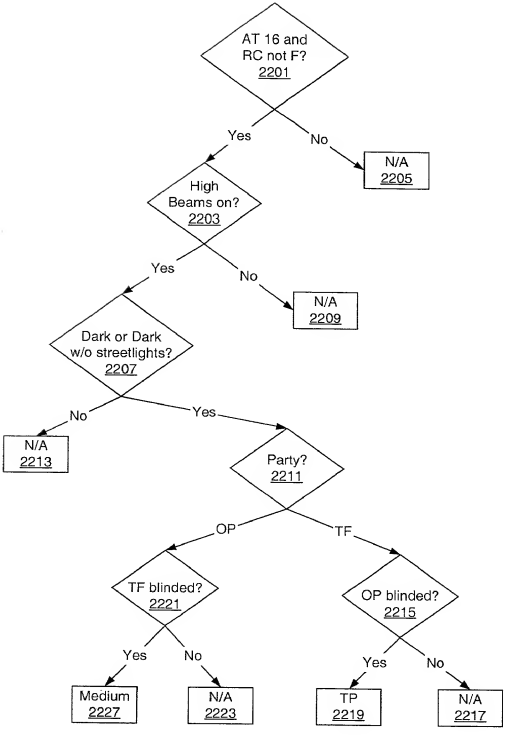


FIG. 22

US 6,970,844 B1

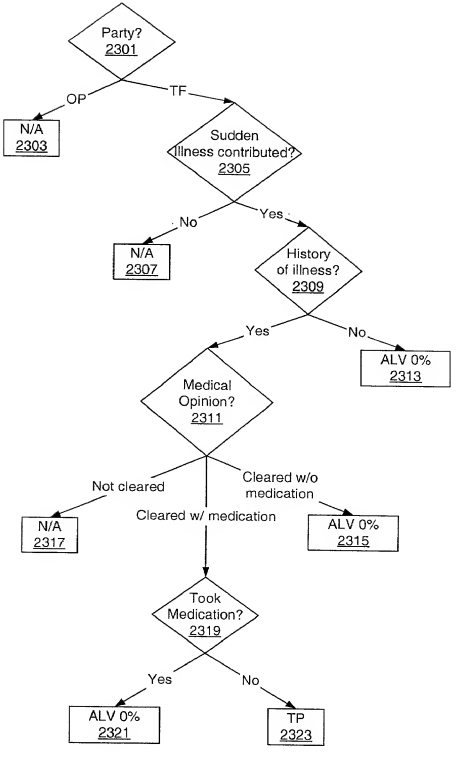


FIG. 23

Toyota 1502560

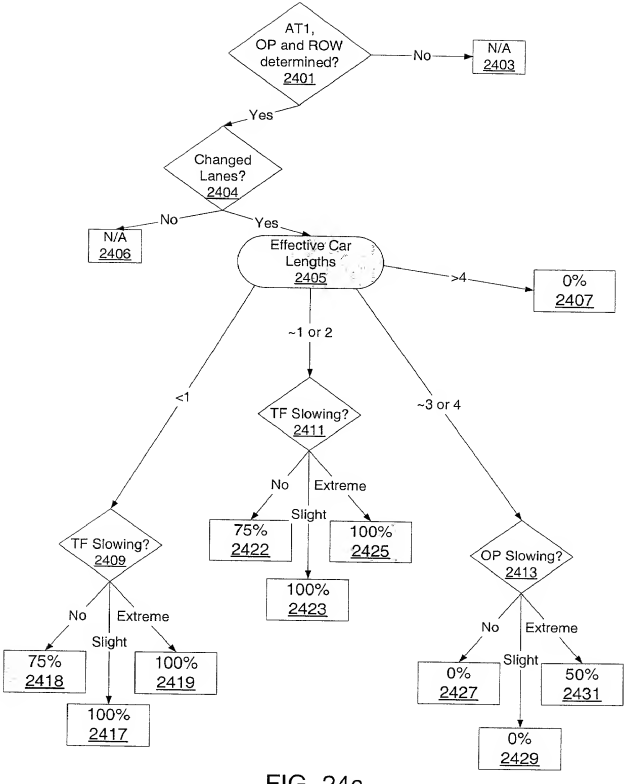


FIG. 24a

Effective car lengths = actual car lengths (A) - adjustment

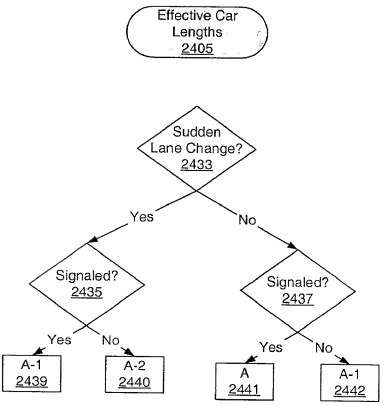
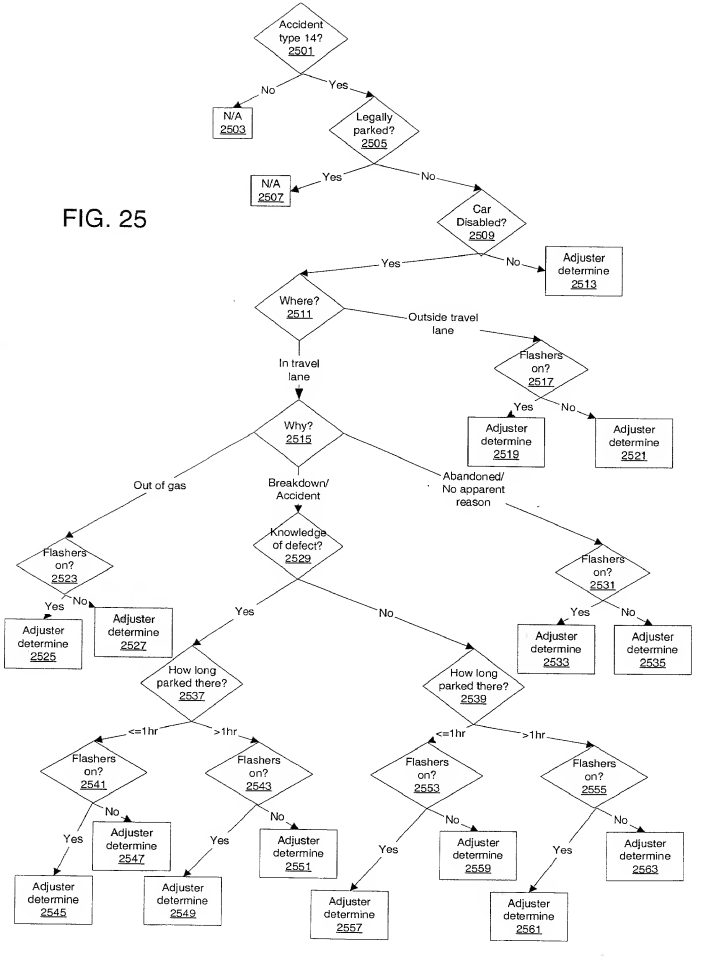


FIG. 24b

FIG. 25



TOYOTA 1970660

EXHIBIT 1013.460

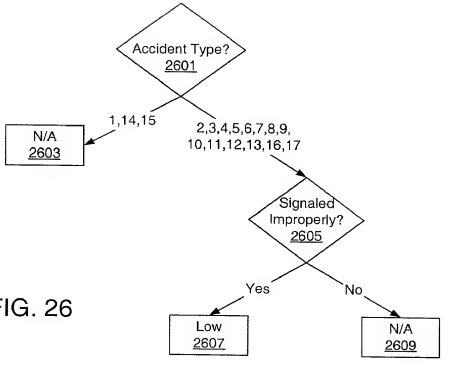


FIG. 26

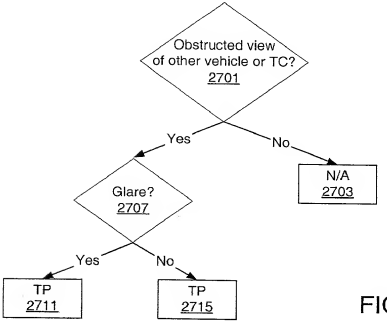


FIG. 27

09970151.100201

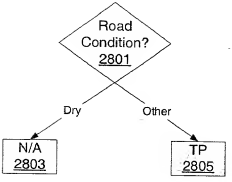


FIG. 28

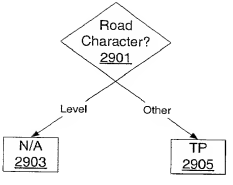


FIG. 29

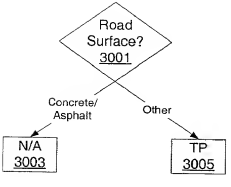


FIG. 30

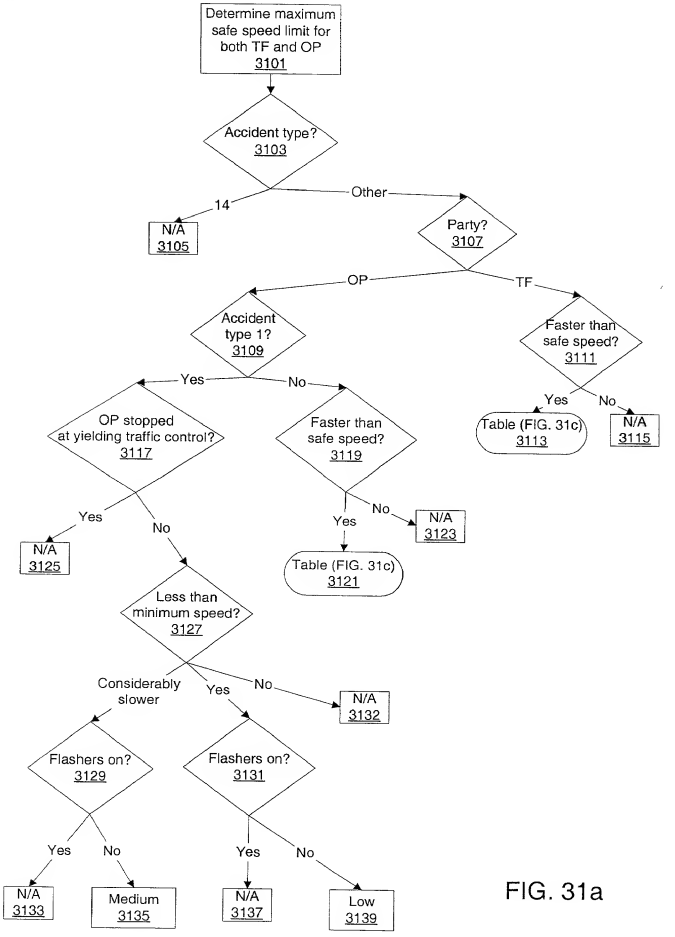

Determine maximum safe speed limit for both TF and OP 3101
Accident type? 3103
14
Other
N/A 3105
Party? 3107
OP
TF
Accident type 1? 3109
Faster than safe speed? 3111
Yes
No
Table (FIG. 31c) 3113
N/A 3115
OP stopped at yielding traffic control? 3117
Faster than safe speed? 3119
N/A 3125
N/A 3123
Table (FIG. 31c) 3121
Less than minimum speed? 3127
Considerably slower
N/A 3132
Flashers on? 3129
Flashers on? 3131
N/A 3133
Medium 3135
N/A 3137
Low 3139

FIG. 31a

Max. Safe Speed = Speed Limit (SL) - Road Condition reduction - Weather reduction

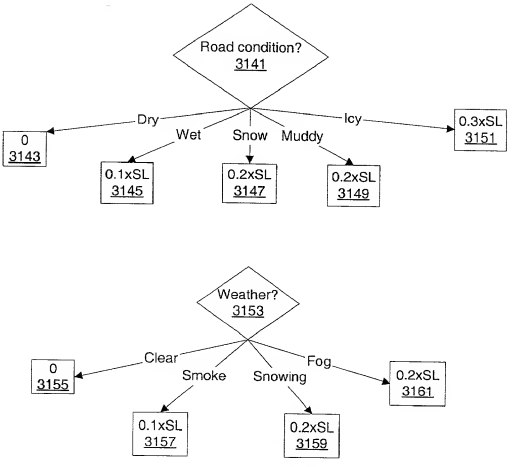


FIG. 31b

US 2007/0124660 A1

Safe Speed (mph)	Actual Speed (mph)	Threshold distance for close or far (ft)	Close % (<=threshold) (ft)	Far % (>threshold) (ft)
50	50-60	100	0	0
	61-70	150	30	10
	71-80	200	40	20
	81-90	300	70 ALV	50 ALV
	91-100+	N/A	100 ALV	100 ALV
25	25-27	50	0	0
	28-30		10	0
	31-35		30	20
	36-40	80	70 ALV	50
	41-45		70 ALV	50 ALV
	46-50		70 ALV	50 ALV
	51-60	130	100 ALV	100 ALV

FIG. 31c

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Road Condition	Category	Safe speed as percent of speed limit
Dry	A	100%
Wet	B	90%
Accumulated water	C	55%
Muddy	C	55%
Blowing snow – no accumulation	A	100%
Accumulated snow	C	55%
Hardpacked snow	D	45%
Ice patches	D	45%
Ice	E	15%
Black ice	F	45%

FIG. 32a

Safe Speed (pick a row based on this)	Actual Speed (pick smaller row)	Threshold distance for close or far	Close % (distance in ft. <= threshold)	Far % (> threshold)
Over 35	< 61	100	N / A	N / A
	61-70	150	30	10
	71-80	200	40	20
	81-90	300	70 ALV	50 ALV
	91+	N/A	100 ALV	100 ALV
20 to 35	< 28	50	N / A	N / A
	28-30	50	10	N / A
	31-35	50	30	20
	36-40	80	70 ALV	50
	41-45	80	70 ALV	50 ALV
	46-50	80	70 ALV	50 ALV
	51+	130	100 ALV	100 ALV

FIG. 32c

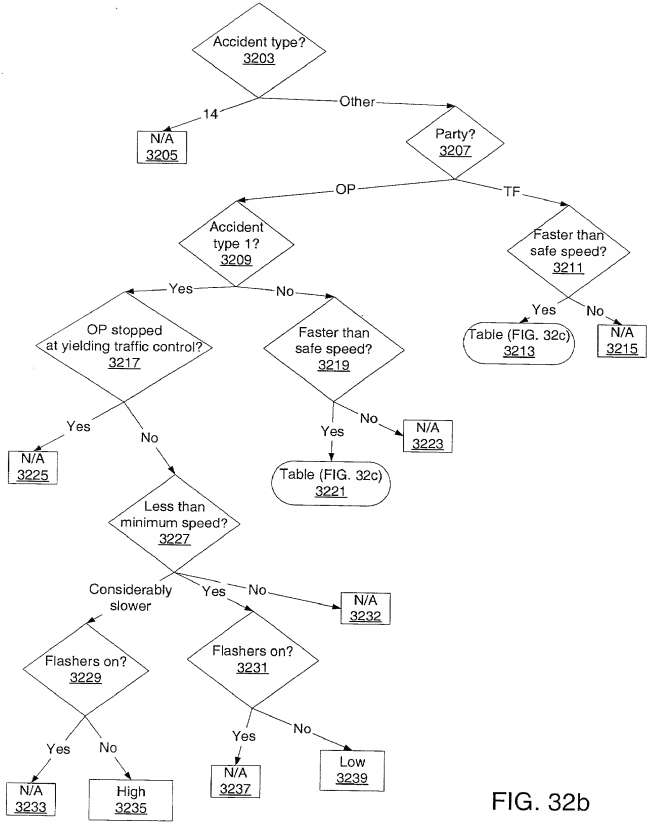

Accident type?
3203
14
Other
N/A
3205
Party?
3207
OP
TF
Accident type 1?
3209
Faster than safe speed?
3211
Yes
No
Yes
No
OP stopped at yielding traffic control?
3217
Faster than safe speed?
3219
Table (FIG. 32c)
3213
N/A
3215
Yes
No
No
Yes
N/A
3225
N/A
3223
Table (FIG. 32c)
3221
Less than minimum speed?
3227
Considerably slower
Yes
No
N/A
3232
Flashers on?
3229
Flashers on?
3231
Yes
No
Yes
No
N/A
3233
High
3235
N/A
3237
Low
3239

FIG. 32b

TESLA-1010540

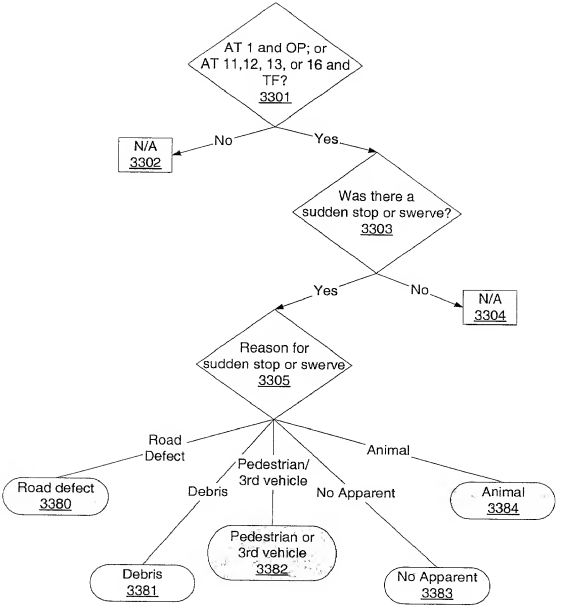


FIG. 33a

US 2021/0197851 A1 Jul. 1, 2021

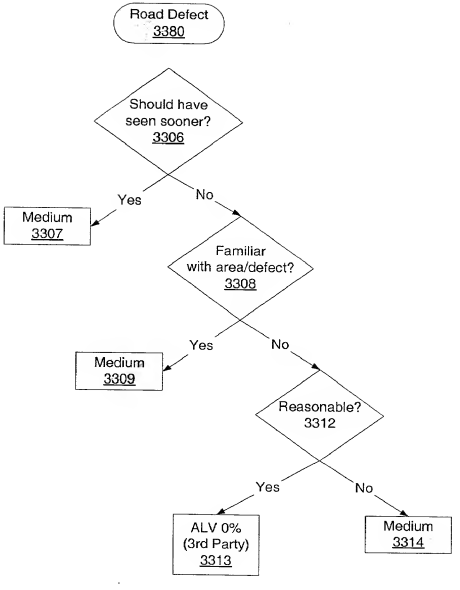


FIG. 33b

EXHIBIT - 1510/560

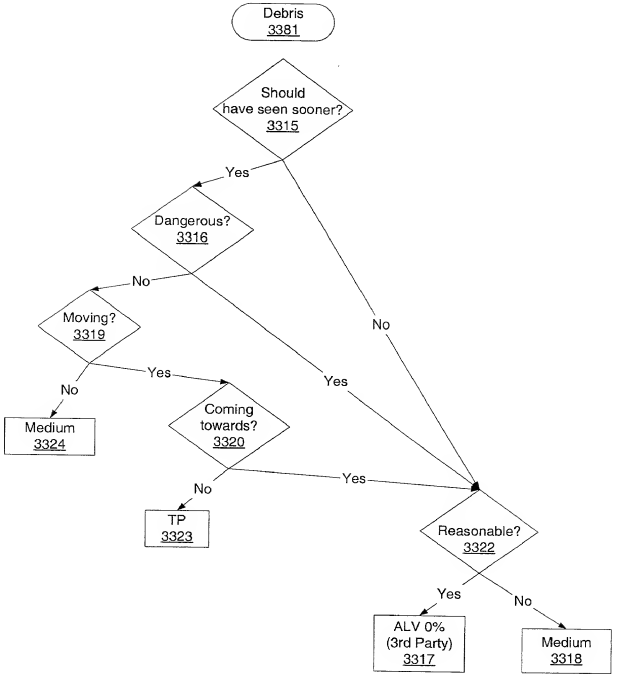


FIG. 33c

US 10,007,262 B1

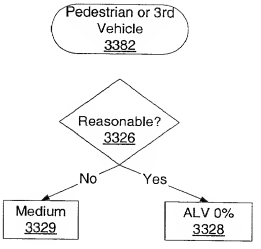


Fig. 33d

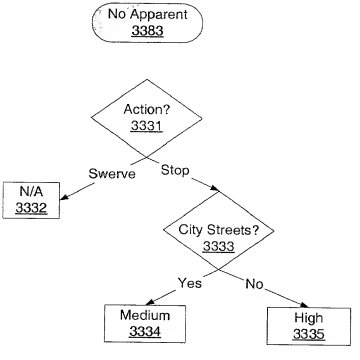


FIG. 33e

TP2007 "TS10760

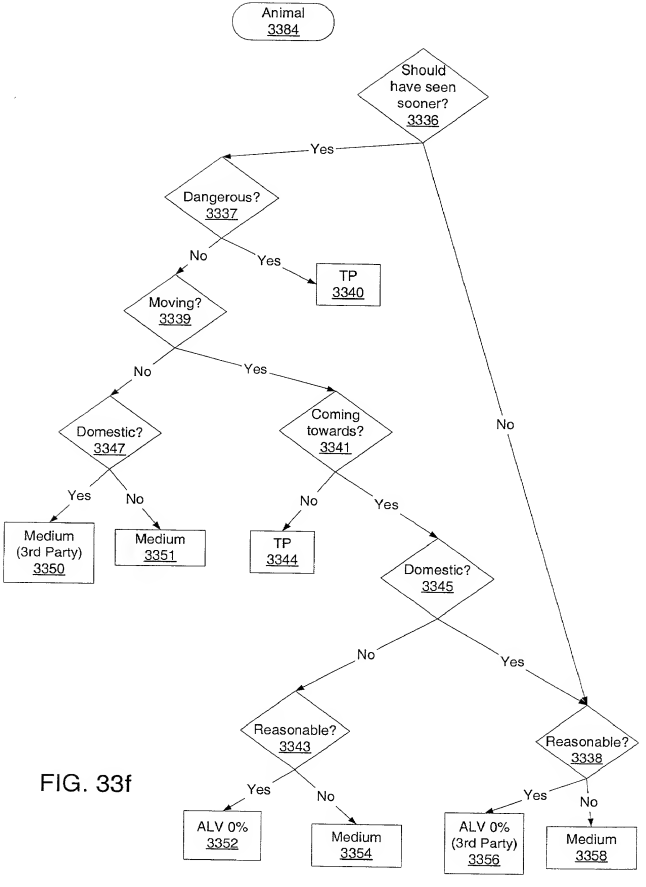


FIG. 33f

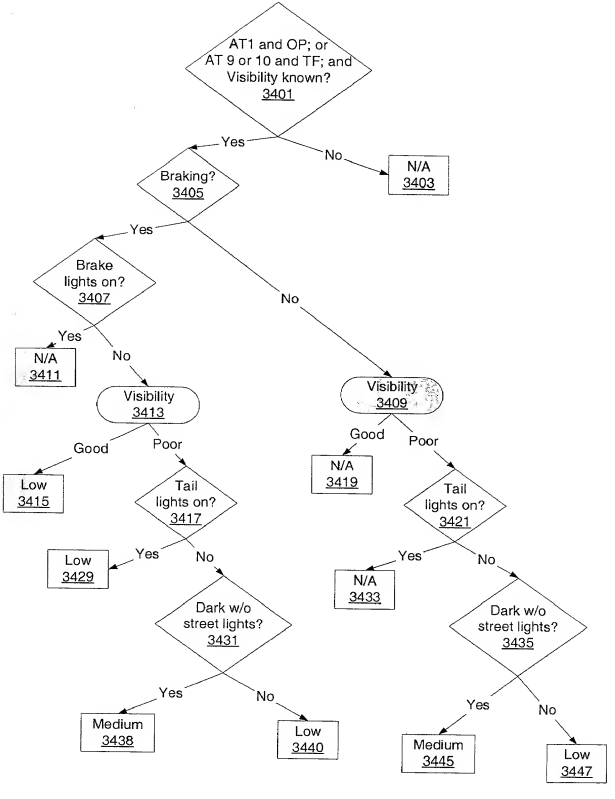

AT1 and OP; or AT 9 or 10 and TF; and Visibility known? 3401
Yes
No
N/A 3403
Braking? 3405
Yes
No
Brake lights on? 3407
Yes
No
N/A 3411
Visibility 3413
Good
Poor
Low 3415
Tail lights on? 3417
Yes
No
Low 3429
Dark w/o street lights? 3431
Yes
No
Medium 3438
Low 3440
Visibility 3409
Good
Poor
N/A 3419
Tail lights on? 3421
Yes
No
N/A 3433
Dark w/o street lights? 3435
Yes
No
Medium 3445
Low 3447

FIG. 34

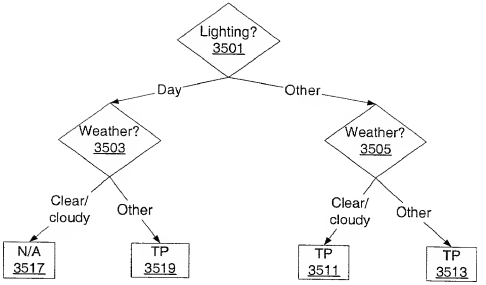
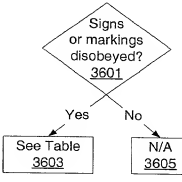


FIG. 35



Question	Conclusion based on these answers	
	Violation	Violation and citation
Cones / barricade	2100	2101
Do not enter	2102	2103
Left turn only	2104	2105
Solid yellow / white line marking	2106	2107
No right turn on red	2108	2109
No stopping	2110	2111
No U-turn	2112	2113
Right turn only	2114	2115
Straight only	2116	2117
One way only	2118	2119
No parking zone	2120	2121
No passing zone	2122	2123

3607 3609 3613 3615

FIG. 36

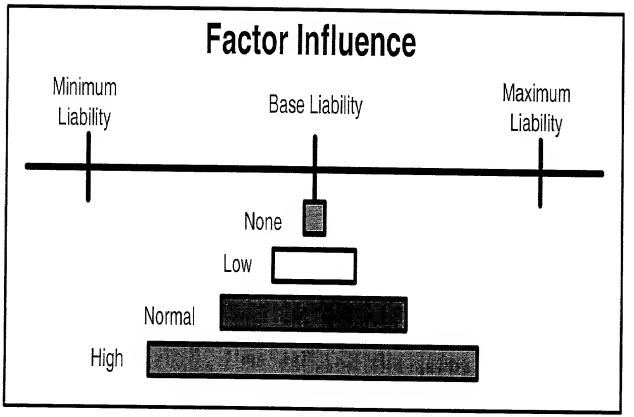

Factor Influence
Minimum Liability
Base Liability
Maximum Liability
None
Low
Normal
High

FIG. 37

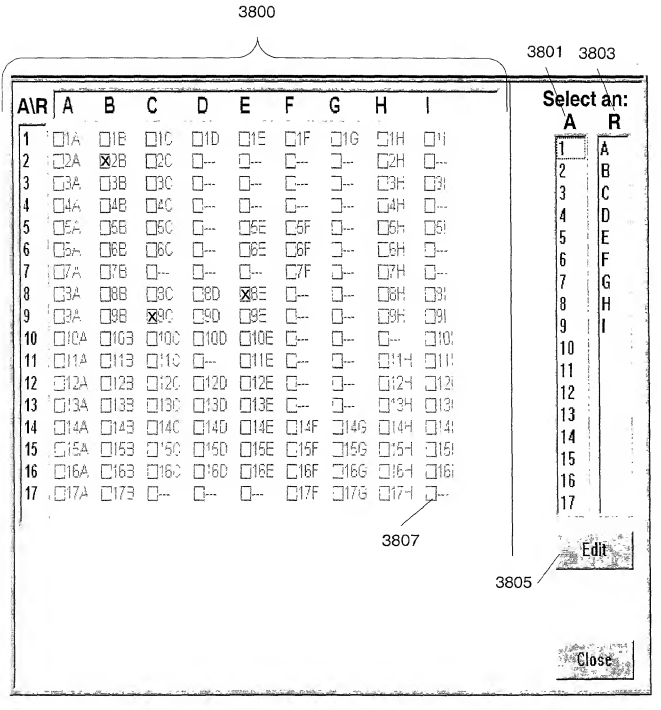

3800
3801
3803
A\R
A
B
C
D
E
F
G
H
I
Select an:
A
R
Edit
Close
3807
3805

FIG. 38

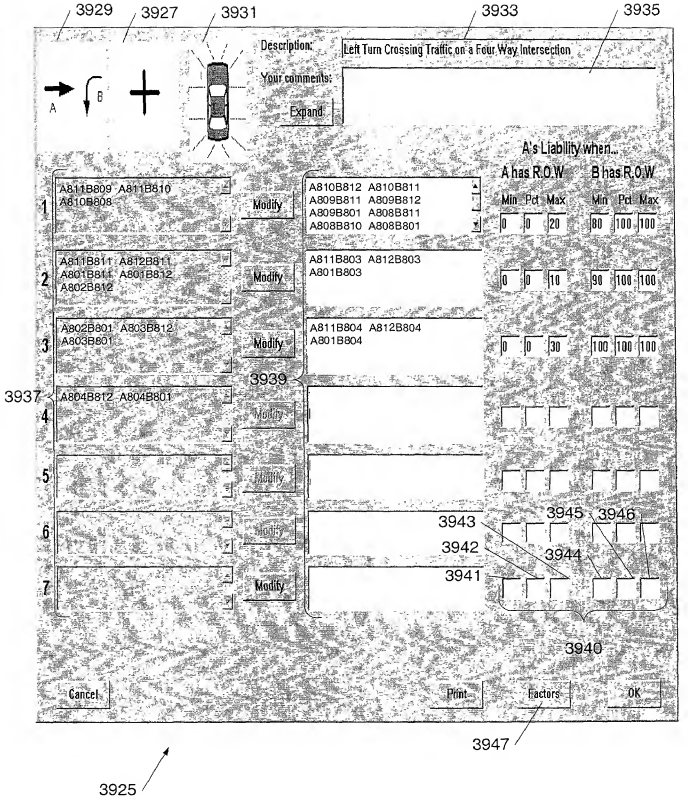

3929
3927
3931
3933
3935
Description:
Left Turn Crossing Traffic on a Four Way Intersection
Your comments:
Expand
A
B
A's Liability when...
A has R.O.W
B has R.O.W
Min Pct Max
Min Pct Max
A811B809 A811B810 A810B808
Modify
A810B812 A810B811 A809B811 A809B812 A809B801 A808B811 A808B810 A808B801
0 0 20
80 100 100
1
A811B811 A812B811 A801B811 A801B812 A802B812
Modify
A811B803 A812B803 A801B803
0 0 10
90 100 100
2
A802B801 A803B812 A803B801
Modify
A811B804 A812B804 A801B804
0 0 30
100 100 100
3
3939
3937
A804B812 A804B801
Modify
4
Modify
5
Modify
6
Modify
7
3943
3942
3941
3945
3946
3944
3940
Cancel
Print
Factors
OK
3947
3925

FIG. 39

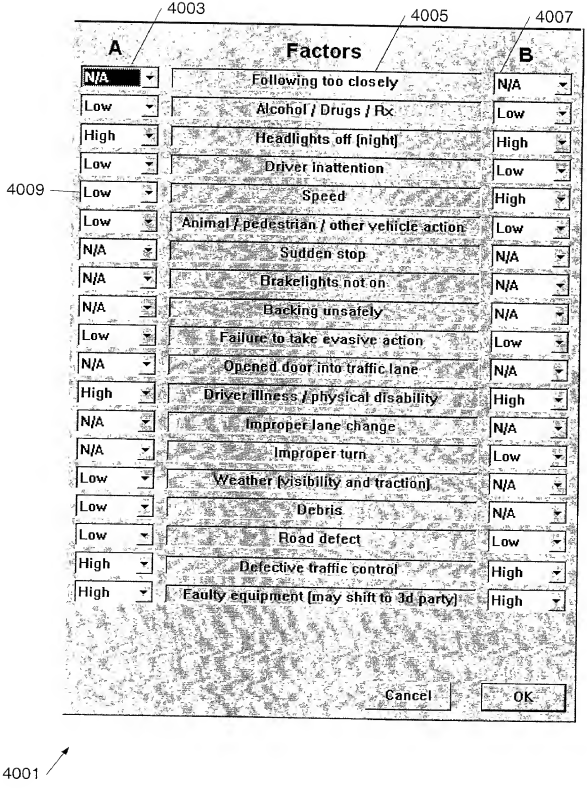

4003
4005
4007
A
Factors
B
N/A
Following too closely
N/A
Low
Alcohol / Drugs / Rx
Low
High
Headlights off [night]
High
Low
Driver inattention
Low
4009
Low
Speed
High
Low
Animal / pedestrian / other vehicle action
Low
N/A
Sudden stop
N/A
N/A
Brakelights not on
N/A
N/A
Backing unsafely
N/A
Low
Failure to take evasive action
Low
N/A
Opened door into traffic lane
N/A
High
Driver illness / physical disability
High
N/A
Improper lane change
N/A
N/A
Improper turn
Low
Low
Weather [visibility and traction]
N/A
Low
Debris
N/A
Low
Road defect
Low
High
Defective traffic control
High
High
Faulty equipment [may shift to 3d party]
High
Cancel
OK
4001

FIG. 40

0957051.100201

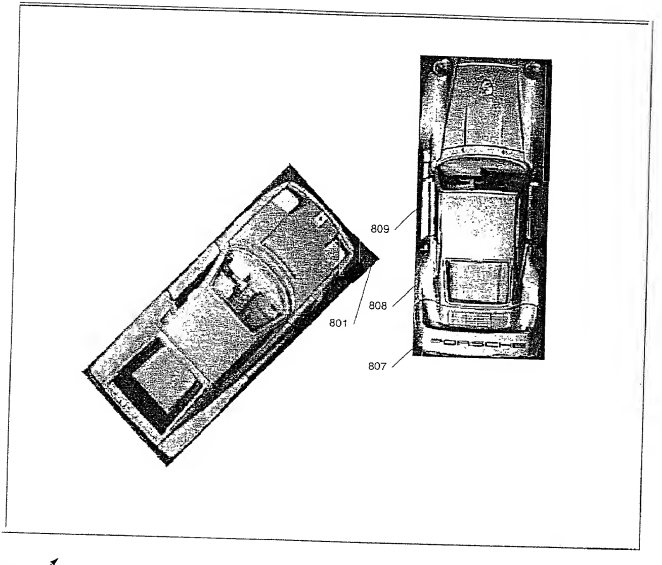


FIG. 41

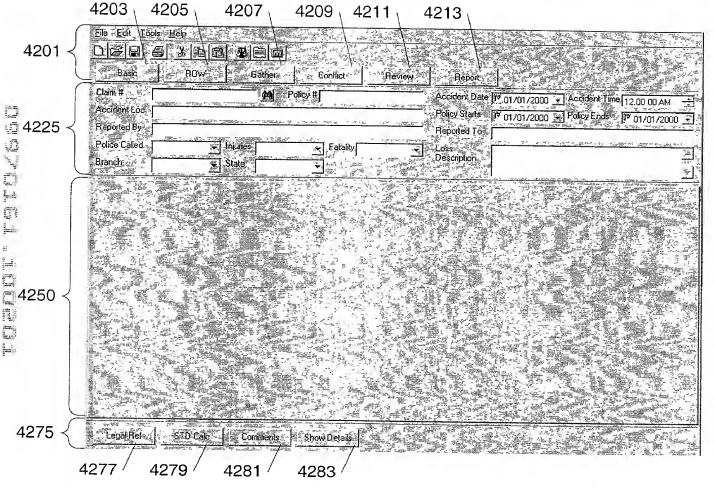

4203
4205
4207
4209
4211
4213
4201
4225
4250
4275
4277
4279
4281
4283
File Edit Tools Help
Basic
ROW
Gather
Conflict
Review
Report
Claim #
Policy #
Accident Loc
Reported By
Police Called
Injuries
Fatality
Branch
State
Accident Date
01/01/2000
Accident Time
12:00:00 AM
Policy Starts
01/01/2000
Policy Ends
01/01/2000
Reported To
Loss Description
Legal Rel
STD Calc
Comments
Show Details

FIG. 42

4200

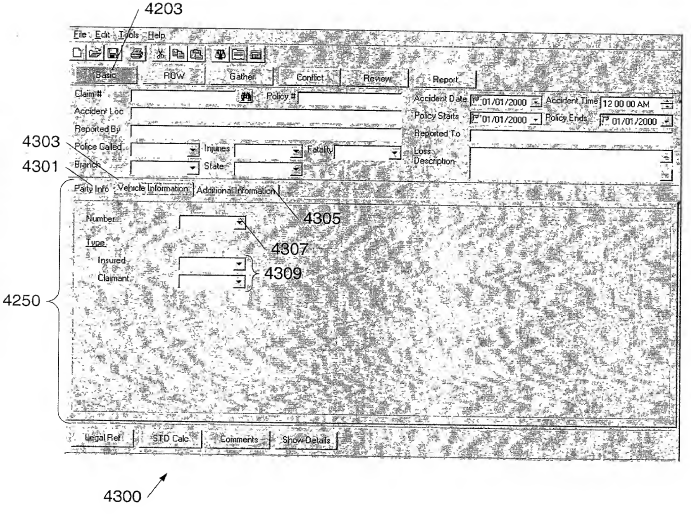

4203
File Edit Tools Help
Basic
ROW
Gather
Conflict
Review
Report
Claim#
Policy #
Accident Loc
Reported By
Police Called
Injuries
Fatality
Branch
State
Accident Date
01/01/2000
Accident Time
12:00:00 AM
Policy Starts
01/01/2000
Policy Ends
01/01/2000
Reported To
Loss Description
4303
4301
Party Info
Vehicle Information
Additional Information
4305
Number
Type
4307
Insured
Claimant
4309
4250
Legal Ref
STD Calc
Comments
Show Details
4300

FIG. 43

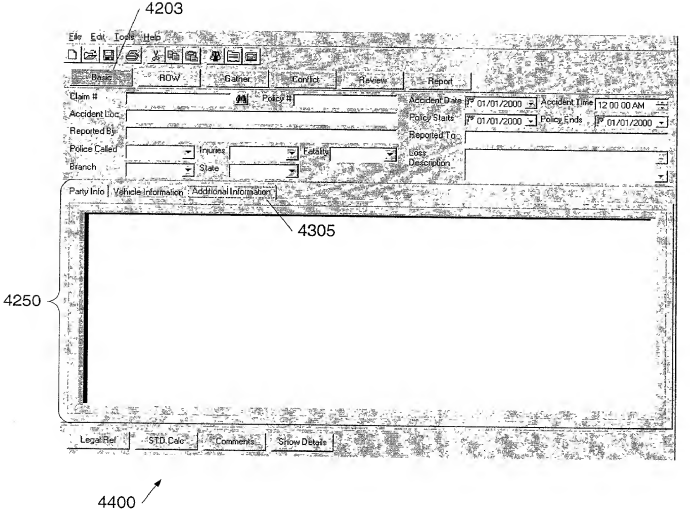

4203
File Edit Tools Help
Basic
ROW
Gather
Conflict
Review
Report
Claim #
Policy #
Accident Loc
Reported By
Police Called
Injuries
Fatality
Branch
State
Accident Date
01/01/2000
Accident Time
12:00:00 AM
Policy Starts
01/01/2000
Policy Ends
01/01/2000
Reported To
Loss Description
Party Info
Vehicle Information
Additional Information
4305
4250
Legal Ref
STD Calc
Comments
Show Details
4400

FIG. 44

US 7,100,084 B2

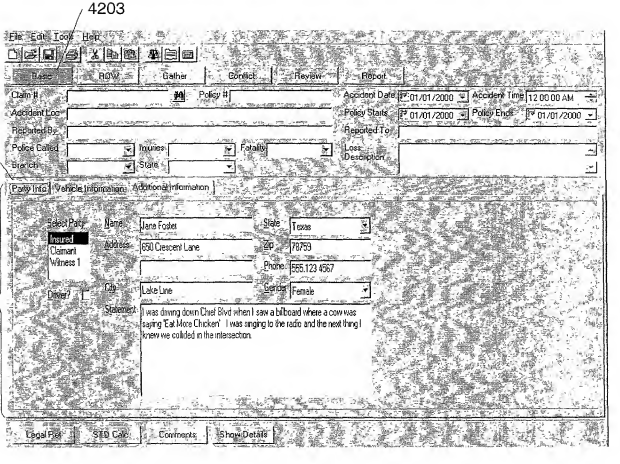


FIG. 45

Acts 1985, 69th Leg., ch. 959, § 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., 1st C.S., ch. 2, § 2.04, eff. Sept. 2, 1987; Acts 1995, 74th Leg., ch. 136, § 1, eff. Sept. 1, 1995.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTES -- REVISOR'S NOTE

REVISOR'S NOTE

1997 Main Volume

The words "party" and "legal representative of any person or party" are omitted because they are included in the Code Construction Act (V.A.C.S. Article 5429b-2) definition of "person."

HISTORICAL NOTES -- HISTORICAL AND STATUTORY NOTES

HISTORICAL AND STATUTORY NOTES

1997 Main Volume

The 1987 amendment, in the Chapter 33 heading, the subchapter A heading and the section heading, substituted "responsibility" for "negligence"; and rewrote the section, which previously read:

"(a) In an action to recover damages for negligence resulting in death or injury to a person or property, contributory negligence does not bar recovery if the contributory negligence is not greater than the negligence of the person or persons against whom recovery is sought.

"(b) Damages allowed are diminished in proportion to the amount of negligence attributed to the person recovering."

FIG. 46

US 2007/0106527 A1

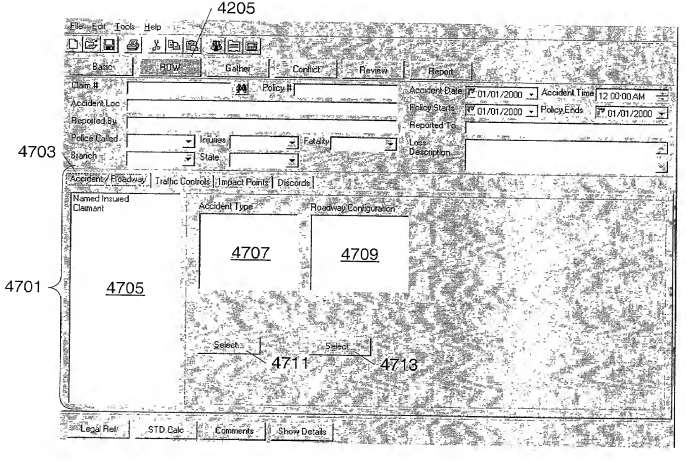


FIG. 47

TO2007-1510.000

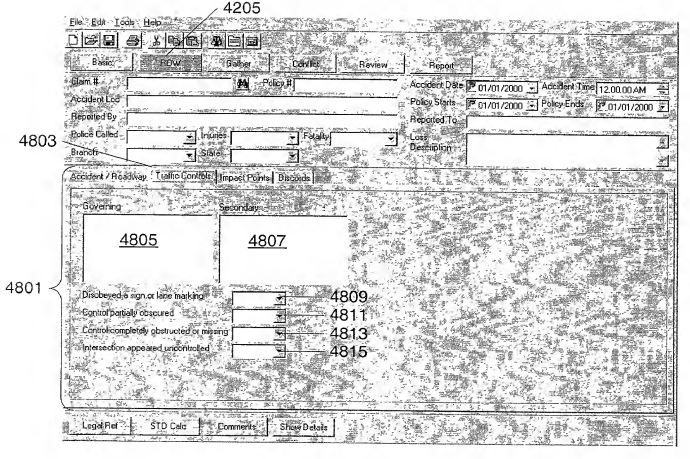


FIG. 48

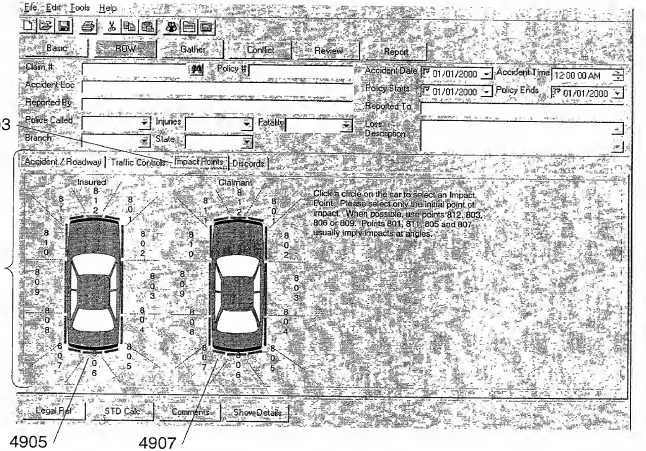

File Edit Tools Help
Basic
ROW
Gather
Contact
Review
Report
Claim #
Policy #
Accident Date
01/01/2000
Accident Time
12:00:00 AM
Accident Loc
Policy Starts
01/01/2000
Policy Ends
01/01/2000
Reported By
Reported To
Police Called
Injuries
Fatality
Loss
Description
Branch
State
Accident / Roadway
Traffic Control
Impact Points
Records
Insured
Claimant
Click a circle on the car to select an Impact Point. Please select only the initial point of impact. When possible, use points 812, 803, 809 or 805. Points 801, 811, 805 and 807 usually imply impacts at angles.
Legal Fld
STD Cds
Comments
Show Details
4903
4901
4905
4907

FIG. 49

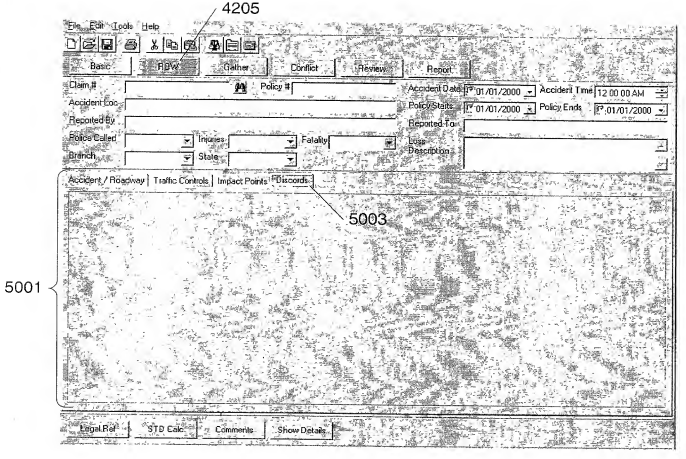

4205
File Edit Tools Help
Basic
ROW
Gather
Conflict
Review
Report
Claim #
Policy #
Accident Loc
Reported By
Police Called
Injuries
Fatality
Branch
State
Accident Date
01/01/2000
Accident Time
12:00:00 AM
Policy Starts
01/01/2000
Policy Ends
01/01/2000
Reported For
Loss Description
Accident / Roadway
Traffic Controls
Impact Points
Diagrams
5003
5001
Legal Ref
STD Calc
Comments
Show Details

FIG. 50

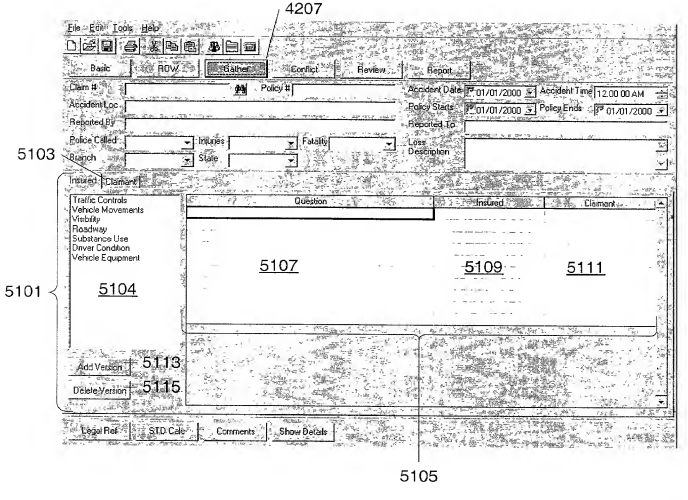

4207
File Edit Tools Help
Basic
ROW
Gather
Conflict
Review
Report
Claim #
Policy #
Accident Loc
Reported By
Police Called
Branch
Injuries
Fatality
State
Accident Date
01/01/2000
Accident Time
12:00:00 AM
Policy State
01/01/2000
Policy Ends
01/01/2000
Reported To
Loss Description
Insured
Claimant
Traffic Controls
Vehicle Movements
Visibility
Roadway
Substance Use
Driver Condition
Vehicle Equipment
5104
Question
Insured
Claimant
5107
5109
5111
5101
5103
Add Version
5113
Delete Version
5115
Legal Ref
STD Calc
Comments
Show Details
5105

FIG. 51

TO2001-1510.7610

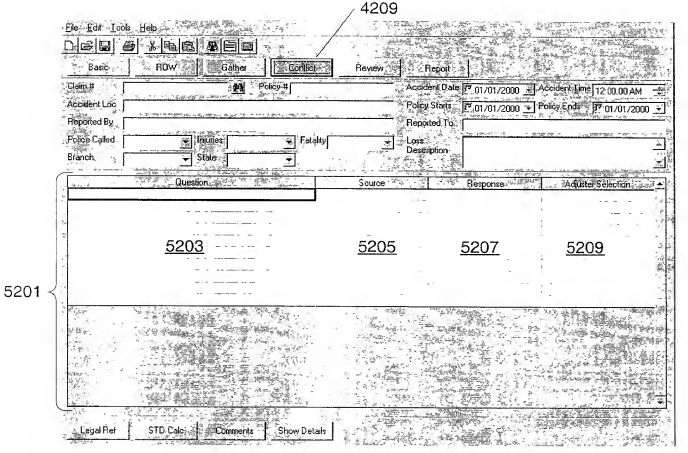


FIG. 52

EXHIBIT 1310650

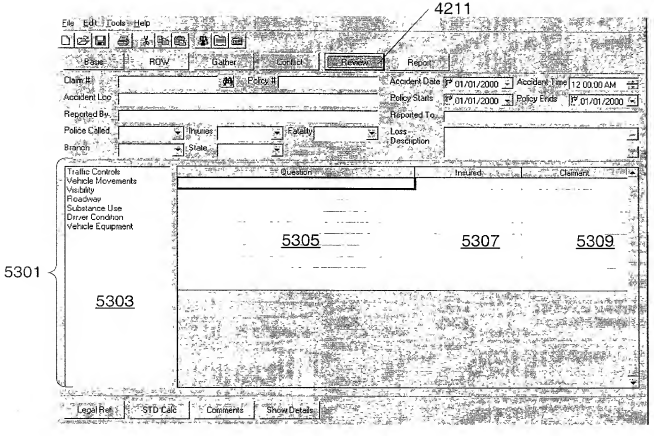


FIG. 53

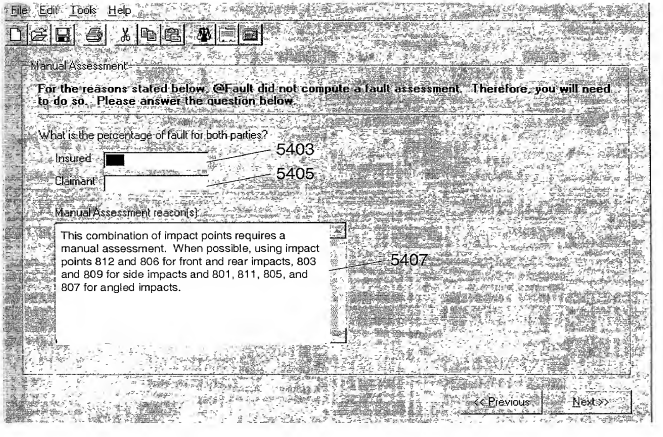

File Edit Tools Help
Manual Assessment
For the reasons stated below, @Fault did not compute a fault assessment. Therefore, you will need to do so. Please answer the question below.
What is the percentage of fault for both parties?
Insured
Claimant
5403
5405
Manual Assessment reason(s)
This combination of impact points requires a manual assessment. When possible, using impact points 812 and 806 for front and rear impacts, 803 and 809 for side impacts and 801, 811, 805, and 807 for angled impacts.
5407
<<Previous
Next>>
5401

FIG. 54

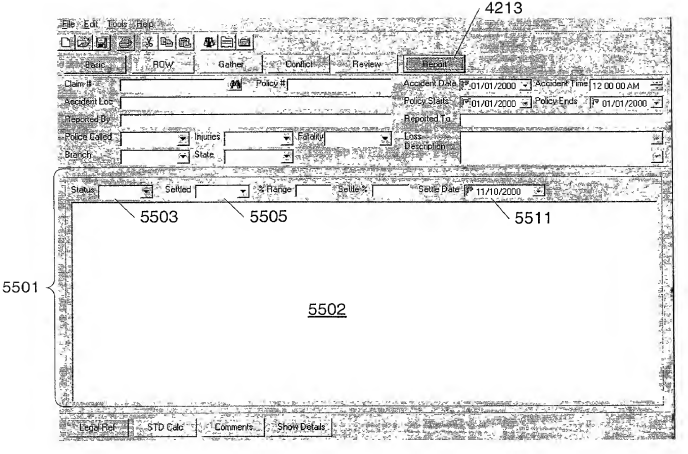

4213
File Edit Tools Help
Basic
ROW
Gather
Conflict
Review
Recon
Claim #
Policy #
Accident Date
01/01/2000
Accident Time
12:00:00 AM
Accident Loc
Policy State
01/01/2000
Policy Ends
01/01/2000
Reported By
Reported To
Police Called
Injuries
Fatality
Loss Description
Branch
State
Status
Settled
% Range
Settle $
Settle Date
11/10/2000
5503
5505
5511
5501
5502
Legal Ref
STD Calc
Comments
Show Details

FIG. 55